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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE LOCAL 813 I.B.T.
INSURANCE TRUST FUND, THE LOCAL 813
I.B.T. PENSION TRUST FUND, and THE
LOCAL 813 AND LOCAL 1034 SERVICE
TRUST FUND,

MEMORANDUM AND ORDER

Case No. 07-CV-656 (FB) (KAM)

Plaintiffs,

-against-

AMANDA CARTING CORP.,

Defendant.
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Appearances:

For the Plaintiff:

ARTHUR A. HIRSCHLER, ESQ.
Finkel Goldstein Berzow Rosenbloom & Nash, LLP
26 Broadway, Suite 711
New York, New York 10004

BLOCK, Senior District Judge:

On October 24, 2007 Magistrate Judge Matsumoto issued a Report and Recommendation ("R&R") recommending plaintiffs be awarded \$5,523.54, consisting of \$2,738.40 in unpaid contributions, \$602.46 in interest, \$547.68 in liquidated damages, \$1,285.00 in fees and \$350 in costs. *See* R&R at 12. The R&R also directed plaintiff to serve defendant with a copy of the R&R and that failure to object within ten days would preclude appellate review. *See id.* Defendant was served a copy of the R&R by first class mail on October 25, 2007. *See* Docket Entry # 10 ("Declaration/Affirmation of Service"). No objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario*

v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000); no such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

/signed/


FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
December 5, 2007